



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

December 3, 2014

Planning Board Members:

Neil Connelly, Chairman  
Rebecca Anderson  
Anthony Gorski  
Joseph Keefe  
Lawrence Korzeniewski  
Kristin McCracken  
Melvin Szymanski

Town Board Members:

Dino Fudoli, Supervisor  
John M. Abraham  
Mark Aquino  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Engineering Consultant:

Robert Harris, Wm. Schutt & Associates

Town Attorney:

John M Dudziak

Town Highway Superintendent:

Daniel J. Amatura

Building & Zoning Inspector:

Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held December 3, 2014. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Neil R. Connelly  
Planning Board Chairman

NRC:mn  
Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the third day of December 2014 at 7:30 P.M, and there were present:

PRESENT: Neil Connelly, Chairman  
Rebecca Anderson, Member  
Anthony Gorski, Member  
Joseph Keefe, Member  
Lawrence Korzeniewski, Member  
Kristin McCracken, Member

EXCUSED: Melvin Szymanski, Member

ABSENT: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Harris, Engineering Consultant-Wm. Schutt & Assoc.  
Jeffrey H. Simme, Building & Zoning Inspector  
Kevin Loftus, Deputy Town Attorney  
Mary Nowak, Recording Secretary (arrived at 8:45PM)

Meeting called to order by Chair Connelly at 7:30 P.M.

Pledge of Allegiance led by Chair Connelly.

Minutes – A motion was made by Kristin McCracken to approve the minutes from the November 5, 2014 Planning Board Meeting. Motion seconded by Lawrence Korzeniewski and unanimously carried.

**Town of Lancaster Planning Board**

**Communications List - December 3, 2014**

- 12.03.01 SEQR response dated 11/06/14 from NYSDEC regarding rezoning for residential subdivision 00 Broadway.
- 12.03.02 Letter dated 11/10/14 from Robert Poeller, Chief Millgrove Volunteer Fire Dept., indicating his concerns regarding plans for Fox Valley Estates, Project #4072.
- 12.03.03 Notice of SEQR Review to be held November 17 at 6:15 P.M.
- 12.03.04 Letter dated 11/17/14 from Robert Putnam, 137 Peppermint Rd., voicing opposition to proposed Fox Valley Estates.
- 12.03.05 Letter dated 11/17/14 from William J. Karn, Jr., 125 Peppermint Rd., voicing opposition to proposed Fox Valley Estates.
- 12.03.06 Letter dated 11/24/14 from Dan Amatura, Highway Superintendent, to Jeff Simme, Building Department, indicating his concerns regarding sketch plan for Fox Valley Estates.
- 12.03.07 Letter dated 11/17/14 from Harvey & Carol Wahl, 225 Peppermint Rd., voicing opposition to the proposed Fox Valley Estates.
- 12.03.08 Minutes from MRC meeting of 11/17/14.
- 12.03.09 Legal notice for public hearing to be held 12/01/14 regarding rezone of 00 & 5354 Genesee St.
- 12.03.10 Zoning Board minutes of meeting held on 11/13/14.
- 12.03.11 Copy of resolution sent to Column Development, dated 11/17/14, granting rezone of property on Genesee St. from RCO to CMS.
- 12.03.12 Memo from Johanna M. Coleman, Town Clerk to Planning Board members, dated 11/21/14 with information regarding proposed Bella Vista Truck Terminal.
- 12.03.13 Petition listing 87 names in opposition to proposed Fox Valley Estates.
- 12.03.14 Memo from Town Clerk noting training opportunities.

- 12.03.15 Letter dated 11/28/14 from Robert Sinclair, 202 Peppermint Rd., voicing opposition to the proposed Fox Valley Estates.
- 12.03.16 Letter dated 12/01/14 from Dino Zack, PG, 110 Peppermint Rd., voicing opposition to the proposed Fox Valley Estates.
- 12.03.17 Memo from Jeffrey Simme, Code Enforcement Officer, indicating that Project #4642 CNG Vehicle Fueling Station Tops Market has been taken off the agenda for 12/03/14.
- 12.03.18 Flyer for the NYPF Conference to be held April 12 - April 14, 2015 at The Sagamore, Bolton Landing, NY.
- 12.03.19 Memo from Jeff Simme explaining TOPS CNG no longer on Planning Board Agenda.
- 12.03.20 SEQR response from EC Dept. of Health dated 11/25/14 stating no objections to Lancaster acting as lead agency for the following projects: Salvatore's Hotel, rezone of 5354 & 0 Genesee Street, and rezone of 00 Broadway.
- 12.03.21 SEQR response from NYSDEC dated 11/28/14 with comments regarding Salvatore's Hotel.

BELLA VISTA PROJECT – TRUCK PLAZA TO BE LOCATED ON WEST SIDE OF TRANSIT ROAD OFF OF PFOHL ROAD, NORTH OF ELLICOTT CREEK AND SOUTH OF THE CONCRETE COMPANY. TOWN OF LANCASTER WAS NOTIFIED BY THE TOWN OF CHEEKTOWAGA FOR COMMENTS ON THIS PROJECT.

This type of project including fueling facilities was presented to the Lancaster Planning Board several years ago to be located on the east side of Transit Road adjacent to the public storage facility at Bella Vista. At that time it was noted that the wetlands in that area were a major issue. The project did not go forward.

A truck plaza without fueling facilities is being proposed for the Cheektowaga side of Transit Road. The plan shows an area for truck parking, a restaurant and an office. The plan does not indicate if there will be any electrical hook-ups. This project is on the agenda for the Cheektowaga Planning Board meeting to be held this week. The Town of Cheektowaga is looking for comments on this project.

The Planning Board commented on the wetlands located on this parcel and what looks like a nesting area for birds. It was also noted that there currently is no ingress/egress for this project. The concerns of the Planning Board also included the following items: noise, vehicle emissions, air quality, and additional truck traffic on an already busy street (Transit Road).

Chair Connelly will prepare a letter to the Town of Cheektowaga with the above listed comments.

## ACTION ITEMS -

REZONE PETITION – 00 BROADWAY (116.00-1-13.11 & 116.00-1-18.21) PRESENT ZONING IS R-1 RESIDENTIAL DISTRICT & RCO RESIDENTIAL COMMERCIAL OFFICE. PROPOSED ZONING IS MFR-3 MULTI-FAMILY RESIDENTIAL DISTRICT THREE. CONSTRUCTION OF 46 SINGLE FAMILY HOMES.

There was no representative present at tonight's meeting for this project.

SITE PLAN REVIEW – SALVATORE'S HOTEL, 6461 TRANSIT ROAD, CONSTRUCTION OF A SIXTY (60) ROOM, 4-STORY HOTEL AND ALTERATION TO EXISTING RESTAURANT, PARKING AND ON-SITE UTILITY IMPROVEMENTS. PROJECT NO. 1408. CONTACT PERSON: CHRISTOPHER WOOD, PE OF CARMINA WOOD MORRIS.

Steve Carmina of Carmina Wood Morris presented to the Planning Board the site plan for Salvatore's Hotel located at 6461 Transit Road. The site plan shows a sixty room, 4-story hotel and alterations to the existing restaurant and parking area. There will also be on-site utility improvements. The site plan shows the 4-story hotel will be above the ballroom closest to Transit Road. The current front entrance to the restaurant will be moved and will connect with the hotel. A new curbcut at the front on Transit Road will be necessary with some parking at the front. The first row parking at the rear will be reorganized. The new entrance and 4-story hotel will have exposure from Transit Road. The 60-room hotel will include 6 bridal suites and a mix of king rooms and standard rooms located over the current Venetian Ballroom. There will be no Jacuzzis in the hotel rooms. The hotel will feature a spa and fitness center. Building material for the new addition will include brick and white panel to match the existing restaurant. The new second floor will be constructed of steel and concrete. The subsequent floors above will be wood construction with wood trusses. All floors will be sprinklered with fireproofing between floors. Mr. Wood told the Planning Board that the banquet hall beneath the proposed addition will be closed temporarily during construction. The following items were discussed:

Parking – Mr. Wood stated that a variance from the Zoning Board of Appeals will be necessary for this project. Currently, the plan is 96 parking spaces short of the minimum. Mr. Wood stated that currently the only time that parking is a challenge is during the holiday season. He explained that if additional parking is necessary in the future, the area south of this parcel behind the existing residences by the water tower can be paved over for parking. Town Engineer Robert Harris stated that the grading for this project does not include that area that may need to be paved over, and that a plan will be necessary showing underground storage for drainage. Mr. Harris said that he would need to see drainage plans for both this project and the additional parking area. Mr. Wood stated that if the parking space variance is granted by the ZBA, the additional parking area will not be needed at this time. If the additional parking is necessary in the future, a new plan will need to come before the Planning Board.

Height of hotel – A variance from the Zoning Board of Appeals will be necessary for the 4-story hotel.

Water pressure – Town Engineer Robert Harris stated that the current water pressure at the street will not supply water above the second floor of the hotel. Erie County Water Authority has been contacted and they are waiting for their response.

The existing Garden Place Hotel will remain open. The name of the new hotel will be The Delevan.

## DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Kristin McCracken to recommend approval of the site plan to the Town Board with the following conditions: 1.) Subject to approval by Zoning Board of Appeals for parking space variance. 2.) Subject to approval by Zoning Board of Appeals for height variance. 3.) If both variances are not granted by the Zoning Board of Appeals, this project must come back before the Planning Board for review. Motion seconded by Anthony Gorski and unanimously carried. Roll call vote as follows:

Chair Connelly - Yes	Lawrence Korzeniewski - Yes
Rebecca Anderson - Yes	Kristen McCracken - Yes
Anthony Gorski - Yes	Melvin Szymanski - Excused
Joseph Keefe - Yes	

SKETCH PLAN REVIEW – SUMMERFIELD FARMS, PART 6, 0 & 5425 WILLIAM STREET. DEVELOPMENT OF 40 PATIO HOMES. PROJ. NO. 2653. CONTACT PERSON: KENNETH ZOLLITSCH OF GREENMAN-PEDERSEN, INC.

Kenneth Zollitsch of Greenman Pedersen and David DePaolo of Marrano Marc Equity presented to the Planning Board the sketch plan for the development of 40 patio homes on the 16.5-acre parcel located at 0 & 5425 William Street. This will be a private community with private roads and no sidewalks. A homeowners association will be responsible for snow plowing the roads. The sketch plan shows each patio home will have a 25' setback from the road. Some backyards will face William Street. The following items were discussed:

Parking – Each patio home driveway will accommodate 2 cars. The sketch plan does not show any community parking areas within this project. Mr. DePaolo stated that street parking will be allowed.

Backyards facing William Street – The Planning Board had some concerns regarding the short backyards of the patio homes along William Street. Mr. DePaolo stated that the entire frontage of this project along William Street will be landscaped similar to Central Square Villa at Pleasant Meadows. No sheds, pools, swing sets, clotheslines, etc. will be allowed in the backyards.

Sidewalk connection to Avian Way – There was some discussion regarding the lack of sidewalks in this project, and how residents will access the surrounding area. It was suggested that a footpath be put in to connect with the adjacent subdivision. Mr. DePaolo stated that he will look into a footpath connection to the adjacent subdivision.

Mailboxes – Mr. DePaolo told the Planning Board that currently there will be individual home delivery for the patio homes. However, this will depend on the US Post Office. If the US Post Office changes its policy, this project may require a general mail facility.

## DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Lawrence Korzeniewski to recommend approval of the sketch plan with the following condition: 1.) Applicant to look into constructing a footpath from this project to connect with existing sidewalk on the west side of Avian Way. Motion seconded by Joseph Keefe and unanimously carried. Roll call vote as follows:

Chair Connelly - Yes	Lawrence Korzeniewski - Yes
Rebecca Anderson - Yes	Kristen McCracken - Yes
Anthony Gorski - Yes	Melvin Szymanski - Excused
Joseph Keefe - Yes	



SKETCH PLAN REVIEW – FOX VALLEY ESTATES, 0 PEPPERMINT ROAD (95.00-1-31). CONSTRUCTION OF 139 SINGLE-FAMILY HOMES (52 PATIO HOMES & 87 SINGLE-FAMILY HOMES). PROJ. NO. 4072. CONTACT PERSON: KENNETH ZOLLITSCH OF GREENMAN-PEDEDRSEN, INC.

Kenneth Zollitsch of Greenman-Pedersen and David DePaolo of Marrano Marc Equity presented to the Planning Board the sketch plan for 52 patio homes and 87 single-family homes to be located on a 91-acre parcel on Peppermint Road near Ransom Road adjacent to the existing Fox Valley Country Club. The sketch plan shows the 87 single family homes and 52 patio homes will be built on 45 acres. The remaining 50% of the parcel will be preserved for wetlands. All homes will avoid the wetlands. The area at the northeast section of this parcel will be used for any wetland mitigation. The roads for the single family homes will be maintained by the Town. The patio home areas will have private roads which will be the responsibility of the homeowners association. This project will have public water and public sewers. The following items were discussed:

Wetlands – Mr. Zollitsch told the Planning Board that the wetland delineation that was previously done on this parcel is still valid. Town Engineer Robert Harris said that NYSDEC has no current delineation and that he thinks that they will be involved in this project.

Sewers – Mr. Zollitsch explained that sewers for this entire project will be brought in from Genesee Street and through Walden Pond Park. This project will require a pump station. Mr. Zollitsch stated that the project will need the approval from the Town of Lancaster to bring sewers through Walden Pond Park. Council Member Donna Stempniak said that there is a question as to whether Erie County will maintain the sewers in this district. Mr. Zollitsch said that he is working with Erie County Sewers and will check into this.

Access road to Fox Valley Country Club – Currently there is an access road which runs from Peppermint Road to the rear of Fox Valley Country Club. This access road is often used due to flooding at the front entrance to the Country Club. The power lines for the Country Club also run along this access road. The Planning Board asked if this road will remain accessible to the Country Club since the access road is within this project. Mr. DePaolo stated that he will work with Fox Valley Country Club to resolve the issue of the access road and the power lines.

Peppermint Road – Chair Connelly read communication #12-03-06 from Town Highway Superintendent Daniel Amatura stating concerns with this project, particularly the impact that the construction vehicles and the traffic generated by this project will have on Peppermint Road which is a country road. The Highway Superintendent stated that Peppermint Road was not built to withstand traffic from this development. Council Member Donna Stempniak asked Mr. DePaolo what would be done to protect Peppermint Road from being destroyed. David DePaolo stated that Peppermint Road is a Town Road and is the access road to this project. There are no restrictions posted on this road and can be used for this project. It would be the Town's responsibility to maintain Peppermint Road.

## DETERMINATION

At the request of the applicant, this project is tabled to a future Planning Board meeting. The following concerns were noted by the Planning Board: 1.) Need for public sewers and pump station. 2.) Wetland issues. 3.) Drainage on Peppermint Road. 4.) Wear and tear on Peppermint Road. 5.) Water pressure in this area. 6.) Destruction of character of existing neighborhood. 7.) Effect of this project on Walden Pond Park. 8.) Access to Fox Valley Country Club and effects of powerlines. 9.) Density of this project. 10.) Emergency access. Motion to table made by Rebecca Anderson; seconded by Kristin McCracken and unanimously carried. Roll call vote as follows:

Chair Connelly - Yes  
Rebecca Anderson - Yes  
Anthony Gorski – Yes  
Joseph Keefe – Yes

Lawrence Korzeniewski – Yes  
Kristen McCracken – Yes  
Melvin Szymanski – Excused

OTHER MATTERS – None

At 9:15 PM a motion was made by Joseph Keefe to adjourn the meeting. Motion seconded by Lawrence Korzeniewski and unanimously carried.